

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

FEDERICO CERETTI, CARLO GROSSO,
KINGATE GLOBAL FUND, LTD., KINGATE
EURO FUND, LTD., KINGATE MANAGEMENT
LIMITED, FIM ADVISERS LLP, FIM LIMITED,
CITI HEDGE FUND SERVICES LIMITED,
FIRST PENINSULA TRUSTEES LIMITED,
INDIVIDUALLY AND AS TRUSTEE OF THE
ASHBY TRUST, THE ASHBY TRUST, ASHBY
INVESTMENT SERVICES LIMITED, ALPINE
TRUSTEES LIMITED, INDIVIDUALLY AND
AS TRUSTEE OF EL PRELA TRUST, PORT OF
HERCULES TRUSTEES LIMITED,
INDIVIDUALLY, AND AS TRUSTEE OF EL
PRELA TRUST, EL PRELA TRUST, EL PRELA
GROUP HOLDING SERVICES, ASHBY
HOLDINGS SERVICES LIMITED, EL PRELA
TRADING INVESTMENTS LIMITED, and
HSBC BANK BERMUDA LIMITED,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 09-1161 (SMB)

**CERTIFICATION TO COURT OF
APPEALS BY ALL PARTIES¹**

¹ This certification complies with Official Bankruptcy Form 424.

A notice of appeal having been filed in the above-styled matter on March 16, 2017 (ECF No. 282), Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC (“BLMIS”), under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff, individually, and Federico Ceretti, Carlo Grossi, Kingate Management Limited, FIM Advisers LLP, FIM Limited, Citi Hedge Fund Services Limited, First Peninsula Trustees Limited, individually and as Trustee of The Ashby Trust, The Ashby Trust, Ashby Investment Services Limited, Alpine Trustees Limited, individually and as Trustee of El Prela Trust, Port of Hercules Trustees Limited, individually and as Trustee of El Prela Trust, El Prela Trust, El Prela Group Holding Services, Ashby Holdings Services Limited, El Prela Trading Investments Limited, and HSBC Bank Bermuda Limited, who are the appellant and all the appellees, hereby certify to the court under 28 U.S.C. § 158(d)(2)(A) that a circumstance specified in 28 U.S.C. § 158(d)(2) exists as stated below.

Leave to appeal in this matter:

- is required under 28 U.S.C. § 158(a)
 is not required under 28 U.S.C. § 158(a)

This certification arises in an appeal from a final judgment, order, or decree of the United States Bankruptcy Court for the Southern District of New York entered on March 9, 2017 (ECF No. 281).

An immediate appeal from the judgment, order, or decree may materially advance the progress of the case or proceeding in which the appeal is taken. *See* 28 U.S.C. § 158(d)(2)(A)(iii).

SIGNED: April 4, 2017
New York, New York

By: /s/ David J. Sheehan
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com

*Attorneys for Appellant Irving H. Picard,
Trustee for the Substantively Consolidated
SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of
Bernard L. Madoff*

By: /s/ Scott W. Reynolds
CHAFFETZ LINDSEY LLP
1700 Broadway, 33rd Floor
New York, New York 10019
Telephone: (212) 257-6960
Facsimile: (212) 257-6950
Scott W. Reynolds
Email: scott.reynolds@chaffetzlindsey.com
Erin E. Valentine
Email: erin.valentine@chaffetzlindsey.com

*Attorneys for Appellee Kingate Management
Limited*

By: /s/ Jodi Aileen Kleinick
PAUL HASTINGS LLP
200 Park Avenue
New York, New York 10166
Telephone: (212) 318-6000
Facsimile: (212) 319-4090
Barry G. Sher
Email: barrysher@paulhastings.com
Jodi Aileen Kleinick
Email: jodikleinick@paulhastings.com
Mor Wetzler
Email: morwetzler@paulhastings.com

*Attorneys for Appellees Carlo Grosso,
Federico Ceretti, FIM Advisers LLP and FIM
Limited*

By: /s/ Tom Moloney
**CLEARY GOTTLIEB STEEN &
HAMILTON LLP**
One Liberty Plaza
New York, New York 10006
Telephone: (212) 225-2000
Facsimile: (212) 225-3999
Thomas J. Moloney
Email: tmoloney@cgsh.com

*Attorneys for Appellee HSBC Bank Bermuda
Limited*

By: /s/ Carmine D. Bocuzzi, Jr.
CLEARY GOTTLIEB STEEN &
HAMILTON LLP
One Liberty Plaza
New York, New York 10006
Telephone: (212) 225-2000
Facsimile: (212) 225-3999
Carmine D. Bocuzzi, Jr.
Email: cboccuzzi@cgsh.com

Attorneys for Appellee Citi Hedge Fund Services Limited

By: /s/ Timothy P. Harkness
FRESHFIELDS BRUCKHAUS
DERINGER US LLP
601 Lexington Avenue, 31st Floor
New York, New York 10022
Telephone: (212) 230-4610
Facsimile: (646) 465-7410
Timothy P. Harkness
Email: timothy.harkness@freshfields.com

Attorneys for Appellees Alpine Trustees Limited, Individually and as Trustee of the El Prela Trust, Ashby Holding Services Limited, Ashby Investment Services Limited, Individually and as Trustee of The Ashby Trust, El Prela Group Holding Services, El Prela Trading Investments Limited, El Prela Trust, First Peninsula Limited, Individually and as Trustee of The Ashby Trust, Port of Hercules Trustees Limited, Individually and as Trustee of the El Prela Trust and The Ashby Trust